


APR 12 2006

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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		67,108-015; Bi 29-18-2-5	
<b>CERTIFICATE OF FACSIMILE</b> I hereby certify that this Pre-Appeal Brief Request For Review and Notice of Appeal are being facsimile transmitted to (571) 273-8300. on <u>April 12, 2006</u> Signature <u>Theresa M. Palmateer</u> Typed or printed name <u>Theresa M. Palmateer</u>		Application Number <u>10/616,553</u>	Filed <u>07/10/2003</u>
		First Named Inventor <u>Bi, Qi</u>	
		Art Unit <u>2683</u>	Examiner <u>Cumming, William D.</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		David J. Gaskey	
		Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. <u>37,139</u>		(248) 988-8360	
Registration number		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.		April 12, 2006	
Registration number if acting under 37 CFR 1.34		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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67,108-015  
Bi 29-18-2-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bi, et al.  
Serial Number: 10/616,553  
Filed: 07/10/2003  
Group Art Unit: 2683  
Examiner: Cumming, William D.  
Title: METHOD OF SUPPORTING MULTIPLE SERVICE  
LEVELS IN A WIRELESS DATA NETWORK

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully submits that there is no *prima facie* case of obviousness. The Examiner's proposed modification of the *Amin* reference in view of *Skubic, et al.* does not establish a *prima facie* case of obviousness. The legally required motivation for combining the references is absent. Whenever a proposed modification to a primary reference goes directly contrary to the teachings of that reference or provides no benefit, there is no motivation for the modification and no *prima facie* case of obviousness. In this instance, the proposed combination of *Amin* and *Skubic, et al.* cannot be made.

As taught in column 2, line 30, the service control point in the *Amin* reference permanently stores the profile of wireless communication devices. Column 3 of the *Amin* reference teaches, "each of SCP 290, 490, 590, is adapted to permanently store profiles for respectively different types of wireless communication devices." (Lines 14-17).

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The Examiner proposes to add a temporary user identification code from *Skubic, et al.* to the arrangement in the *Amin* reference. The proposed combination cannot be made because it goes directly contrary to the teachings of *Amin*. If the proposed combination were made, the substitution of *Skubic, et al.*'s temporary user identification code into *Amin* or a modification of *Amin* to include the teachings from *Skubic, et al.* would require going directly contrary to the teachings of the *Amin* reference. The primary reference relied upon by the Examiner requires that a service control point permanently store a profile for a user. Therefore, there is no motivation for making the proposed combination because it goes directly contrary to the teachings of the *Amin* reference. Substituting in a temporary user identification code would defeat the intended operation of the service control point (SCP) of the *Amin* reference.

Additionally, there is no motivation for adding the temporary user identification code of *Skubic, et al.* to the arrangement in *Amin*. The primary reference relied upon by the Examiner already has a permanently stored profile. There would be no benefit to adding a temporary user identification code because a permanent one is already stored. Without any benefit to making the combination, there is no motivation and the combination cannot be made.

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The proposed modification of the *Amin* and *Skubic, et al.* references does not establish a *prima facie* case of obviousness. The rejection should be withdrawn and this case should be allowed.

Respectfully submitted,

CARLSON, GASKEY & OLDS

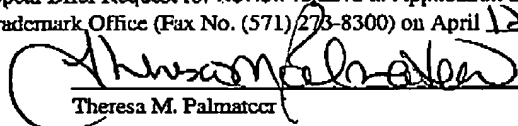
By: 

David J. Gaskey, Reg. No. 37,139  
400 W. Maple Rd., Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: April 12, 2006

**CERTIFICATE OF FACSIMILE**

I hereby certify that this Pre Appeal Brief Request for Review relative to Application Serial No. 10/616,553, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on April 12, 2006.

  
Theresa M. Palmatier

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